

11/22/10 8:50:34
DK W BK 647 PG 195
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

12/02/10 9:03:47
DK W BK 647 PG 590
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

This deed is being re-recorded to correct the indexing instructions.

SUBSTITUTE TRUSTEE'S DEED

WILLIAM B. PALMERTREE, SUBSTITUTE TRUSTEE, GRANTOR
2446 Caffey Street, Suite 1A
(662) 429-9302 (662) 429-9471

TO

TOP OF THE CIRCLE, LLC, GRANTEE
1826 Planters Drive, Olive Branch, MS 38654
(662) 429-8812 Unavailable

Indexing Instructions: Lots 42 ~~XXX43~~ Section "B," Goodman-51, Commercial & Industrial Park Subdivision in Section 35, Township 1 South, Range 8 West, DeSoto County, Mississippi Plat Book 45, Page 48 & 10' Ingress & Egress Easement for Lot 42 & across 43 Sec. "B" Sec. 35, T1S, R 8 West

WHEREAS on the 29th day of October, 2007, Big Orange Development Partners f/k/a Big Orange Development Company, LLC, executed a Deed of Trust to Robert C. Liddon and Carla Peacher-Ryan, as Trustees for the benefit of First Tennessee Bank National Association which Deed of Trust is recorded in Deed of Trust Book 2813 at Page 516, in the Office of the Chancery Clerk of DeSoto County, Mississippi, and

WHEREAS, the aforesaid First Tennessee Bank National Association appointed William B. Palmertree Substitute Trustee on the 24th day of September, 2010 by instrument recorded in Trust Deed Book 3222, Page 45 in the Office of the Chancery Clerk of DeSoto County, Mississippi, and

WHEREAS, default was made in the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms and conditions of said Deed of Trust and the holder of said indebtedness having requested the undersigned

PREPARED BY:

William B. Palmertree, MSB No. 101835
Graves & Palmertree, PLLC
2446 Caffey Street, Suite 1A, Hernando, MS 38632
662-429-9302

PREPARED BY & RETURN TO:
AUSTIN LAW FIRM, P.A.
ATTORNEYS AT LAW
6928 COBBLESTONE DRIVE, SUITE 100
SOUTHAVEN, MS. 38672
662-890-7575

Substitute Trustee to execute the Trust and sell said land in accordance with the terms and conditions of said Deed of Trust.

THEREFORE, in consideration of the premises, I did, pursuant to said request, on the 3rd day of November, 2010, within legal hours at the East Front Door of the County Courthouse in the City of Hernando, DeSoto County, Mississippi, offer for sale and sell at public outcry to Top of the Circle, LLC, being the highest and best bidder for cash, at and for the sum of one hundred eighty-one thousand and no/100 dollars (\$181,000.00) the land mentioned in said Deed of Trust lying and being situated in DeSoto County, Mississippi, described more particularly as follows:

Lot 42, Section "B," Goodman-51, Commercial & Industrial Park Subdivision in Section 35, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 45, Page 48 in the office of the Chancery Clerk of DeSoto County, Mississippi.

AND

A 10' Ingress and Egress Easement for Lot No. 42 and across Lot 43, Section "B," Goodman 51 Commercial and Industrial Park Subdivision) Plat Book 45, Page 48), Horn Lake, DeSoto County, Mississippi, Section 35, Township 1 South, Range 8 West, which 10' Ingress and Egress easement is more particularly described as follows:

Begin at a point at the southeast corner of Lot No. 42 and the northeast corner of Lot No. 43 in the westerly line of West Dancy Boulevard, thence South 03 degrees 10 minutes 26 seconds East 10.01 feet with the westwardly line of said Boulevard to a point; thence South 89 degrees 52 minutes 12 seconds West 193.95 feet along a line running parallel with the northerly line of Lot No. 43 to a point; thence North 00 degrees 01 minutes 42 seconds East 10 feet to a point in the northerly line of Lot No. 43; thence North 89 degrees 52 minutes 12 seconds East 193.37 feet along the northerly line of Lot No. 43 to the point of beginning.

The time, terms and conditions and place of sale were duly advertised for four (4) consecutive weeks immediately preceding the sale by publication in the *DeSoto Times Tribune*, a newspaper published and having a general circulation in DeSoto County, with Proof of said Publication being attached hereto and made a part hereof and by posting a Notice of said sale on the bulletin board of the Courthouse in said County on the 6th day of October, 2010, said Notice remaining on said bulletin board until the date of the sale.

PREPARED BY:

William B. Palmertree, MSB No. 101835
Graves & Palmertree, PLLC
2446 Caffey Street, Suite 1A, Hernando, MS 38632
662-429-9302

THEREFORE, in consideration of the premises and the payment to the Substitute Trustee of the sum of one hundred eighty-one thousand and no/100 dollars (\$181,000.00) by Top of the Circle, LLC, I, William B. Palmertree, Substitute Trustee, do hereby sell and convey to said Top of the Circle, LLC, the land hereinabove mentioned, conveying only such title as is vested in me as Substitute Trustee.

WITNESS my signature this 18th day of November, 2010.

Will B. Palmertree
William B. Palmertree, Substitute Trustee

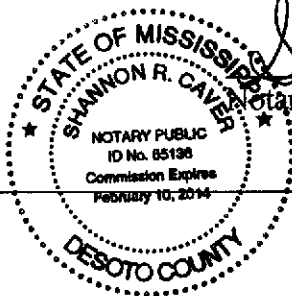
STATE OF MISSISSIPPI
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, the within named William B. Palmertree, Substitute Trustee, who acknowledged signing and delivering the above and foregoing Substitute Trustee's Deed on the day and date therein mentioned as a free and voluntary act and deed and for the purpose therein expressed.

GIVEN under my hand and official seal of office this the 18th day of November, 2010.

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF DESOTO



Shannon R. Caver
Notary Public

Personally appeared before me, the undersigned Notary Public in and for the state and county aforesaid, the undersigned Trustee who after being first duly sworn stated upon oath the following:

I do not have a financial or beneficial interest, either direct or indirect in the outcome of the sale or the beneficiary of the Deed of Trust described above.

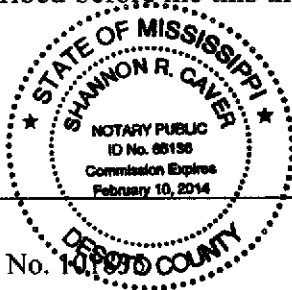
Will B. Palmertree
William B. Palmertree, Substitute Trustee

Sworn to and subscribed before me this the 18th day of November, 2010.

My Commission Expires: _____

PREPARED BY:

William B. Palmertree, MSB No. 1019970
Graves & Palmertree, PLLC
2446 Caffey Street, Suite 1A, Hernando, MS 38632
662-429-9302



Shannon R. Caver
Notary Public

DESOTO TIMES-TRIBUNE

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

NOTICE OF SUBSTITUTED TRUSTEE'S SALE

WHEREAS on the 29th day of October, 2007, Big Orange Development Partners f/k/a Big Orange Development Company, LLC, executed a Deed of Trust to Robert C. Liddon and Carla Peacher Ryan, as Trustees for the benefit of First Tennessee Bank National Association which Deed of Trust is recorded in Deed of Trust Book 2813 at Page 516, in the Office of the Chancery Clerk of DeSoto County, Mississippi, and

WHEREAS, First Tennessee Bank National Association subsequently appointed William B. Palmertree as Substituted Trustee on the 24th day of September, 2010, by instrument recorded in Real Estate Deed of Trust Book 3222, Page 45, in the Office of the Chancery Clerk of DeSoto County, Mississippi, and

WHEREAS, default has been made in the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the holder of said indebtedness having requested the undersigned Substituted Trustee to execute the trust and sell said land in accordance with the terms and conditions of said Deed of Trust,

NOW, THEREFORE, I, William B. Palmertree, Substituted Trustee, under the terms and provisions of and by virtue of the authority conferred upon me in said Deed of Trust, will on the 3rd day of November, 2010, offer for sale at public outcry and sell within legal hours (being between 11:00 a.m. and 4:00 p.m.) at the East Front door of the County Courthouse in Hernando, DeSoto County, Mississippi, to the highest and best bidder for cash, the lands lying and being situated in DeSoto County, Mississippi, described more particularly as follows, to-wit:

Volume No. 115 on the 12 day of Oct., 2010

Volume No. 115 on the 19 day of Oct., 2010

Volume No. 115 on the 26 day of Oct., 2010

Volume No. 115 on the 2 day of Nov., 2010

Volume No. _____ on the _____ day of _____, 2010

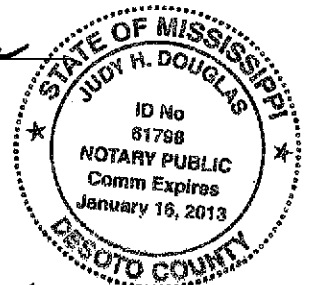
Volume No. _____ on the _____ day of _____, 2010

Diane Smith

Sworn to and subscribed before me, this 2 day of Nov., 2010

BY

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



A. Single first insertion of 542 words @ .12 \$ 65.04
B. 3 subsequent insertions of 1626 words @ .10 \$ 162.60
C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 230.64

24

Lot 42, Section "B", Goodman-51, Commercial & Industrial Park Subdivision in Section 35, Township 1, South, Range 8, West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 45, Page 48 in the office of the Chancery Clerk of DeSoto County, Mississippi.

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In the northerly line of Lot No. 43, thence North 89 degrees 52' minutes 12 seconds East 193.37 feet along the northerly line of Lot No. 43 to the point of beginning.

I will sell and convey only such interest as is vested in me as Substituted Trustee.

WITNESS my signature this 6th day of October, 2010.

/s/William B. Palmertree

WILLIAM B. PALMERTREE, SUBSTITUTED TRUSTEE

Publish 4 Times: 10/12/2010, 10/19/2010, 10/26/2010, 11/02/2010